

HERITAGE ARCHITECTURE AND CAPITALISM

CHRISTINE MCCARTHY

Victoria University, Wellington, New Zealand

Abstract

This paper is an initial proposition that Critical Heritage Studies (CHS) is caught within the constraints of a capitalist theoretical framework. CHS developed from the idea of intangible heritage following initiatives to include: social factors, gardens as living monuments, and cultural heritage within the scope of heritage, giving greater emphasis to non-material aspects of heritage and non-western cultural priorities. The paper begins to test the ideas of CHS against two Environment Court decisions from New Zealand, which operate under the RMA, which aims to achieve sustainable management through the balancing of conflicting aspirations of development, economic, environmental, social and cultural priorities.

CHS is strongly influenced by thinking shared by poststructuralism and revisionist historiography. Its shift from heritage as a finite resource and a fluid, changeable set of values shares its rhetoric with late twentieth-century capitalism. The paper is particularly interested in how these shared ideas of CHS and capitalism operate, and explores the commonalities between Smith's 2006 *Uses of Heritage* and Milton Friedman's 1962 *Capitalism and Freedom*.

Introduction

This paper is interested in scrutinising the ramifications of Critical Heritage Studies (CHS) for built environment heritage. CHS developed from the idea of intangible heritage following initiatives to include: social factors (Amsterdam Declaration 1975), gardens as living monuments (Florence Charter 1981), and cultural heritage (Burra Charter 1979; UNESCO 2003) within the scope of heritage, giving greater emphasis to non-material aspects of heritage and non-western cultural priorities. Heritage theorists, such as Alivizarou and Craith, have linked the development of intangible heritage to globalisation, stating that the idea of intangible heritage was a reaction to the threat of globalisation to diverse, but fragile, premodern cultural traditions and practices (Alivizarou, 2011 pp.37-38, 39, 54; Craith, 2008 p.70). It is also notable that these shifts in heritage thinking occurred during the period of Thatcherism, Regonomics and, in New Zealand, Rogernomics.

CHS is a further development which defines heritage as exclusively intangible, and challenges ideas such as: heritage as a finite resource, and the "fetishising" of the expert, with the aim to shift an asymmetrical power balance towards community values. For example, Smith states that "*There is, really, no such thing as heritage*" (Smith, 2006 p.11, emphasis added). She criticises notions of heritage that: privilege specific aesthetics (e.g. the monumental), reflect the views of experts as authority figures (e.g. historians, public servants), and are removed from the shared values of communities. Additionally Smith's notion of heritage refutes any idea of intrinsic or absolute and unchanging heritage values, requiring contemporary, rather than historic, relevance. Heritage, as understood in critical heritage studies, is explicitly acknowledged as political, and it is argued this political power should be shifted from the elite expertise to the community who have been "*marginalised in the creation and management of heritage*" (ACHS, 2012 n.p.). The emphasis is thus on cultural heritage values that have current value in the present, with an understanding that values can change over time. This is all theoretically admirable.

Yet within this framework of ideas, heritage is political not absolute, and heritage values are fluid. While this theory is strongly influenced by thinking shared by poststructuralism and revisionist historiography, its shift, from heritage as a finite resource to a fluid, changeable set of values, shares its rhetoric with late twentieth-century capitalism. In making this observation, this paper aims to scrutinise the premise of CHS using the context of built environment heritage, specifically the effects of the Resource Management Act 1991 and Heritage New Zealand Pouhere Taonga 2014. It is particularly interested in how these shared ideas of CHS and capitalism operate, and whether CHS's aim to alter the power balance is naive, by causing power to shift from experts to developers, rather than the intended empowering of the community.

For the purposes of this paper a comparison of Milton Friedman's *Capitalism and Freedom* and Laurajane Smith's *Uses of Heritage* will test the proposition that at a fundamental level, the theoretical framework of Critical Heritage Studies is indebted to capitalist thought. After laying out this connection, the paper will consider the ramifications of this commonality for architectural heritage, with reference to legal cases under the Resource Management Act 1991, specifically: *Hamilton East Community Trust v Hamilton City Council* and *Universal College of Learning (UCOL) v Wanganui District Council*.

Capitalism and Freedom

Milton Friedman wrote *Capitalism and Freedom* in 1962. It is recognised as an influential text underpinning neo-liberal political thought in the late twentieth-century personified by Margaret Thatcher in Britain (Thatcherism), Ronald Regan (Reganomics) in America and Roger Douglas (Rogernomics) in New Zealand. In the book, Friedman outlines an economic theory underpinned by the privileging of individual freedom in order to discredit socialism and promote competitive capitalism. For Friedman, "*economic freedom is ... an indispensable means toward[s]... political freedom*" because diffusing political power through the mechanism of the market of free trade is the only way to co-ordinate large economies without totalitarian state coercion (1962 pp.8,9,13). He stresses the utter importance of "*the absence of coercion of a man by his fellow man*" and "*the elimination of such concentration of power to the fullest possible extent*" (1962 p.15). In this schema, the marketplace does not coerce people because of the "*voluntary co-operation of individuals ... [where] both parties to an economic transaction benefit from it, provided the transaction is bi-laterally voluntary and informed*" (Friedman, 1962 p.13, emphasis in original).

Friedman also contrasts a government causing conformity to the market producing diversity, stating that, "*in political terms, [the market is] a system of proportional representation,*" enabling "*unanimity without conformity*" (1962 pp.15,23). For Friedman, the market comprises multiple and diverse individual exchanges, in contrast to government resulting in "*a law applicable to all groups*" (1962 p.23). He claims that: "*a major source of objection to a free economy is precisely that it does this task so well. It gives people what they want instead of what a particular group thinks they ought to want*" (1962 p.15).

Despite this opposition to centralised government power, Friedman acknowledges the need for government ("*because absolute freedom is impossible*"), while opposing unnecessary government intervention because of the inherently self-governing nature of the market (1962 p.25). He describes government as the rule-maker and "umpire," and identifies six important roles for centralised power to prevent interference with the freedom of exchange (1962 pp.15,25,27). The first is "*the maintenance of law and order to prevent physical coercion*" (1962 pp.14,27,34). The second is to prevent monopolies because of the "*conflict between freedom to combine and freedom to compete,*" stating that the only valid mechanisms to exclude competitors are to sell "*a better product at the same price or the same product at a lower price,*" and because monopolies imply "*the absence of alternatives,*" inhibiting "*effective freedom*" (1962 pp.14,26,28,34). It is this thinking that likewise invalidates collectivism because it is underpinned by a principle that "*some shall decide for other*" (1962 p.34). The third is to prevent the unfeasible compensation of any third parties, or "*neighborhood effects*" (1962 pp.14,30-32,34). The final three valid roles for government are: to provide a definition of property, to provide a monetary framework, and to protect those deemed not responsible (e.g. children and the mentally-ill) (1962 pp.27,33-34).

For Friedman, the efficiency of the private market, derived from specialisation and the division of labour, results from the indirect benefits of voluntary co-operation to fulfil another's needs (by providing goods and services) for money (1962 pp.13-14). Not only this, but - using the historical example of the 1957 "Blacklist fadeout," when banned communists, working under the pseudonym "Robert Rich" in Hollywood, won an Oscar - he writes that "*the fact that people ... have an incentive to make as much money as they can ... protected the freedom of the individuals who were black-listed ... giving people an incentive to employ them,*" presupposing that if someone needs a specific product, this need will override any prejudice or favouritism irrelevant to the market objectives (1962 pp.19,20). As he writes, "*The competitive publisher, for example, cannot afford to publish only writing with which he personally agrees; his touchstone must be the likelihood that the market will be large enough to yield a satisfactory return on his investment*" (1962 p.17).

Uses of Heritage

In 2006, 44 years after Friedman's *Capitalism and Freedom* was published, Laurajane Smith wrote *Uses of Heritage*. In a way similar to Friedman's opposition to socialism, Smith positions her theory privileging the intangibility of heritage contrary to an older Authorised Heritage Discourse (AHD). Just as Friedman's theoretical work ultimately strives for individual political freedom, Smith aims to democratise heritage and empower those voices and knowledge which, in her view, are disenfranchised because they are not considered heritage experts. She states that "*[t]he ability to possess, control and give meaning to the past and/or heritage sites is a re-occurring and reinforcing statement of disciplinary authority and identity*" (2006 p.51). She continues: "*[t]he application of 'rational' expert knowledge renders any social problems ... as 'non-political.' ... identity debates are reduced to debates over 'ownership' issues - 'who owns the past'*" (2006 pp.51-52). She clearly identifies AHD as squarely within the realms of property ownership and control. Her work responds to an idea of heritage (AHD) as class-based, conservative, and controlled by an elite of "*[e]xpert values and knowledge,*" drawing on "*the narrative of nation and universality of world heritage*" (2006 pp.11,23,29,30,42,49,51,299).

Read adjacent to Friedman, it is not difficult to see AHD as discriminatory and hampering innovation. Just as Friedman opposed trade protectionism and centralised government control, Smith finds the cultural monopoly of heritage experts, and the anti-competitive nature of a universalised narrative of heritage, abhorrent. Both theorists' work reacts to situations which they find politically unpalatable.

Smith finds the difficulty with the heritage status quo (AHD) as largely attributable to a conventional focus on the *materiality* of heritage:

The materiality of heritage is itself a brutally physical statement ... of the power, universality, objectivity and cultural attainment of the possessors of that heritage. The physicality of heritage also works to mask the ways in which the heritage gaze constructs, regulates and authorizes a range of identities and values ... In this gaze ... subjectivities that exist outside or in opposition to ... [the constructed material objective reality] are rendered invisible or marginal, or simply less "real" (2006 p.53).

To confront this privileging of the physical, Smith argues a case for heritage as intangible values and meanings that are *represented* by a heritage site, or event or custom (2006 pp.53,56). As such heritage is not a thing, but instead immaterial and volatile (2006 pp.2-3). The objects of heritage consequently do not have "*any inherent value*" (2006 pp.3,53). Heritage is fluid, a metaphor also used in relation to liquid capital. Smith's theorising hence converts heritage from a fixed cultural asset (accumulating capital gains) to liquid capital, where wealth is produced from trade (the process of circulating money), or, perhaps more accurately, to a cultural fiat currency - the most theoretically "pure" representational form of currency, whereas the objects of heritage (e.g. buildings) could be reconceptualised as once uncontested treasure and now commodities subject to fluctuating valuations.

This interpretation is strengthened by Smith's interest in the conceptualisation of heritage as a process of continual negotiation, exchange and reinterpretation as an "*active cultural process of remembering and of forgetting*" (i.e. memory) (2006 p.58). This process operates within communities and is an articulation of the continuing relevance or irrelevance of historic values and heritage objects for the present. Heritage, in Smith's work, becomes a medium for, and measure of, the expression of cultural values.

In this way contemporary heritage value is produced through re-evaluating the meaning and significance of the past for the present (Smith, 2006 pp.1,58). As Smith explains it, heritage expresses "*not only the experiences of the present but also the needs of the present*" (2006 p.58). This is a two-way exchange which Smith contrasts to the one-way communication of AHD, and which, following Abercrombie and Longhurst, Smith describes as: "*no longer be conceived of as passive or neutral, a clear distinction between consumption and production cannot be maintained*" (2006 p.67). Traditionally, Smith argues, the expert interpretation of heritage sites is considered to be passively consumed by visitors. Drawing on numerous research, she challenges this position arguing that the activities of both heritage experts and heritage visitors are performative and negotiate "*the meaning of the past and present*" (following Crang, Smith, 2006 p.66). Heritage is "*an act of making meaning in and for the present*" (2006 p.1).

A result of this vibrant and pro-active process and experimentation "*with changing social values, meaning and identity,*" is diversity, underpinned by a recognition that "*no heritage discourse or moment of heritage is necessarily uniformly shared or homogeneously constructed*" and an appreciation of "*the multiplicity of meaning that any aspect of tangible or intangible heritage inevitably must have*" (Smith, 2006 pp.74,81,306). Heritage in this sense, like Friedman's reference to proportional representation, rebalances the perceived imbalance toward heritage elites. This plurality likewise/inevitably enables disagreement/dissonance; "*contesting and challenging a range of cultural and social identities, sense of place, collective memories, values and meanings that prevail in the present and can be passed to the future*" (Smith, 2006 p.82). Smith equally identifies heritage as potentially progressive and able to "*challenge and redefine received values and identities by a range of subaltern groups,*" and "*not only a tool of governance, but also a tool of opposition and subversion*" (2006 pp.4,52).

Resource Management Act

In New Zealand the Resource Management Act 1991 (RMA) and the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) provide the framework under which decisions regarding heritage architecture is made. The Resource Management Act has been heralded as world leading law-making which combined town planning and environmental legislation, with a current consequence that the tensions of development and environmental protection are inherent to it - conflated in the term "sustainable management" which is obliged to manage "*the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people*

and communities to provide for their social, economic, and cultural well-being and for their health" (RMA s5(2)).

The thinking associated with Smith's work is reflected - to a small extent - in this legislative structure which governs heritage. Examples of such shifts include the introduction of the concept of "value" in the listing process with the Historic Places Act 1993, and changes to the names of the relevant legislation and the government organisation charged with protecting and advocating for heritage, namely from the Historic Places Act 1993 to Heritage New Zealand Pouhere Taonga Act 2014, and New Zealand Historic Places Trust to Heritage New Zealand Pouhere Taonga. Saying this is not to assert a comprehensive incorporation of these ideas, but it is not foreign to have issues of intangible heritage discussed in New Zealand courts. Two recent examples include Elizabeth Pishief's expert evidence stating that: "*The issues are not about the Native Land Court building but about identity - about whose heritage will take precedence*" (*UCOL v Wanganui District Council* [122]), and the Basin Bridge Board of Inquiry Decision which noted of one expert's heritage evidence that "*the framework provides for the consideration of both tangible and intangible effects on heritage values*" [604]. This section will examine two Environment Court decisions in relation to issues of intangible heritage (*UCOL v Wanganui District Council* and *Hamilton East Community Trust v Hamilton City Council*) and then tease out the potential consequences in relation to a capitalist reading of Critical Heritage Studies.

The *Hamilton East Community Trust v Hamilton City Council* (2014) decision focussed on a site owned by the Catholic Diocese of Hamilton which had two heritage buildings: Euphrasie House (1941) and St Mary's Chapel (1926). The Diocese proposed to refurbish and earthquake strengthen St Mary's Chapel, and to demolish Euphrasie House and replace it with a building more suited to the Church's needs. The context of discussion included reference to the cost of repairing and strengthening Euphrasie House, which added to the case to demolish Euphrasie House, but key issues were the coupling of saving St Mary's Chapel with the demolition of Euphrasie House, and the heritage value of the Church's long association with the site, specifically:

What in our view ultimately favours allowing the demolition of Euphrasie House is the unique situation that it is this site and the surrounding precinct that present the narrative of the presence of the Catholic Church in Hamilton East for well over a century. That presence is of local and regional significance. The heritage of a commitment to service and to education is manifest at this place. In this circumstance, there is supportable argument that the Church should be enabled to manage its own affairs in a way that is meaningful to its own mission and intent and that conserves its heritage relationship to the place (Hamilton East Community Trust v Hamilton City Council [13],[110]-[111]).

The weighing of heritage trade offs of saving one building and losing the other was hence matched with the heritage of Catholic occupation of site, manifest in intangible attributes of service and education, conferring a right of self-determination.

The *UCOL v Wanganui District Council* (2010) decision was complicated by the court seemingly being less than convinced by the arguments of both parties involved. Universal College of Learning (UCOL) appealed a decision to refuse them demolition of the former Māori Land Court Building in Whanganui. The NZ Historic Places Trust argued the heritage merit of the building due to it being the only existing purpose-built Māori Land Court (1922), an institution initially responsible for the alienation of Māori from much of their land - though the court's role had changed by the 1920s when it was built - and as an example of government architect John Campbell's design. The Environment Court, while acknowledge some heritage value of the building was not completely convinced by this argument saying that:

*Although we accept that the building does have architectural and historic qualities as identified by NZHPT we have some reservations as to whether or not those qualities are of the significance which NZHPT has asked us to attribute to them. ... We do not think that there were any features which proclaimed it to be a Maori Land Court ... Whether it is one of his [architect John Campbell's] significant works seems highly debateable (*UCOL v Wanganui District Council* [136]-[137]).*

UCOL (and Te Puna Matauranga o Whanganui) wanted to demolish the building in order to provide facilities for Māori students in the building of an iwi institute, and also argued that the colonial symbolism of the existing building meant that it was not appropriate to house an iwi institute (*UCOL v Wanganui District Council* [121]). While the court acknowledges the potential value of demolishing the building for iwi, it concluded that:

the outcome of these proceedings comes down to an assessment of the social and cultural benefits which might accrue to Maori from the establishment of the iwi institute against the adverse effects on heritage values which

might arise from demolition of the Maori Land Court building. It is however, difficult to assess the benefits to Maori in other than quite a vague and general way, when the nature of the iwi institute and what it is to do remains as nebulous as it presently appears to be. ... we have concluded that the promotion of sustainable management requires decline of this particular application to demolish the Maori Land Court building and establish a green space (UCOL v Wanganui District Council [138], [47]-[151]).

The lack of precision in the NZHPT's articulation of the Māori Land Court building's heritage values was seemingly matched by lack of certainty of the cultural priorities of Māori.

These two cases - one resulting in the demolition of heritage building and one retention, demonstrate heritage as the contesting of values, and requires inquiry into how the building represents those values. The Hamilton decision demonstrates the ability for the demolition of a heritage building to be leveraged against the restoration of another - in this case, a higher ranked heritage commodity, and exchanged for the intangible heritage of site occupation and association. It also posits the ethos of property rights conventionally associated with capitalism: "there is supportable argument that the Church should be enabled to manage its own affairs in a way that is meaningful to its own mission and intent" (*Hamilton East Community Trust v Hamilton City Council* [110]-[111]). The UCOL decision illustrates the difficulties and slipperiness of assessing intangible values. The acknowledgment that there were both heritage values in the historic building and social and cultural benefits for Māori in its demolition enabled the reversion to conventional conservatism prioritising built form. While the court did not conceive of heritage as intangible, its slight acknowledgement of the building's demolition as potentially having benefits demonstrates that heritage values might be effected through destruction as well as preservation.

Conclusion

Friedman asserts that competitive capitalism "*gives people what they want instead of what a particular group thinks they ought to want*" (Friedman, 1962 p.15). This sentiment also embodies Smith's proposition that the determination of "heritage" should be removed from traditional experts perpetrating, as she would see it, historic class values and prejudices. To an extent the Resource Management Act acknowledges this possibility, as the Hamilton decision states "*listing acknowledges, rather than creates, heritage value,*" yet Smith's model of heritage would challenge the relevance and accuracy of the assertion - from the same legal decision - that "*[h]eritage buildings are, by definition, finite in number*" (*Hamilton East Community Trust v Hamilton City Council* [5], [109]).

Instead Smith's commitment to intangibility confronts head on any simply idea of heritage building and identifies heritage as inexhaustible and inherent to human culture and the creation of meaning and identity. She states that: "*Heritage may also be understood as a discourse concerned with the negotiation and regulation of social meanings and practices associated with the creation and recreation of 'identity'*" (Smith, 2006 p.5). It is to this extent freely available, and so its mechanism of exchange is a negotiation of its substantive value, but not necessarily a point of loss. In this sense, heritage is an ideal commodity, free of manufacturing costs, but poor in its ability to easily understand and designate a universally understood value, something which, in Friedman's theory, the market can and should determine.

With the theoretical conversion of heritage from cultural commodity to currency, any notion of stability is replaced by volatility. Intangible values are mobile and in the context of the court, as seen in the UCOL decision, are slippery to say the least. Smith detaches heritage from physical building, situating it exclusively within a value-system which positions physical building's relevance as subject to its ability to represent specific values. It converts buildings (or any other heritage object) from uncontested treasure to a commodity subject to fluctuations in value and appreciation.

A free trade model of heritage would be premised on different groups contesting their heritage values rather than continuing the pretence of universally agreed heritage. It would identify the value of heritage by what it is exchanged for. To some extent this is a model which the Environment Court in New Zealand wrestles with in the balancing of the conflicting aspects (economic, environmental, cultural, social etc.) required in the negotiation of sustainable management in Part II of the Resource Management Act. A conflict between this and Smith's theoretical construction though is the potential, in Smith's model, for a conflation of all cultural values as ultimately forms of heritage, and to be evaluated through a common currency.

What this means for heritage outcomes though is tied to the fundamental issues of power inherent in any society, as Smith acknowledges: "*heritage in any given society will inevitably reflect that of the dominant social, religious or ethnic groups*" (Smith, 2006 p.81), including the inertia of convention. Perhaps then the potential

for systemic and structural change, and the capacity of minority voices to influence, which is of the greatest significance, a possibility that Friedman entertains but gives limited support. He argues that advocacy of unpopular causes must be at a cost: *"no society could be stable if advocacy of radical change were costless, much less subsidized. ... What is essential is that the cost of advocating unpopular causes be tolerable and not prohibitive"* (Friedman, 1962 p.18).

In a world where phrases such as "chequebook justice" is a known term, the distribution of resources is critical to ideas of fairness and political freedom - aspirations common to both Smith and Friedman. Smith's framework refigures heritage as theoretically a resource available to all, because it is admonished from its physical obligations, but while this utilises a capitalist analogy, it does not resolve the issue that ultimately money is power. It does however provide initial openings for alternative voices to be heard even if they are not yet decisive. The removal of the idea of loss in a simple sense, and the privileging of the construction of heritage, makes possible the argument, put forward in the UCOL decision, for example, that physical destruction could have positive heritage outcomes.

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